

REMARKS

Claims 1 and 4-15 are now pending in the application. Claims 1 and 4-15 have been amended and claims 2 and 3 have been canceled. Claim 1 is independent. The Drawings have been amended. Reconsideration of this application, as amended, is respectfully requested.

Drawings

The drawings were objected to by the Draftsperson under 37 C.F.R. § 1.84(i). A Letter to the Official Draftsperson which includes substitute formal drawings is attached hereto. It is respectfully requested that the Examiner approve the substitute formal drawings.

Rejection Under 35 U.S.C. § 112

Claims 2-8 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

As the Examiner will note, the claims have been carefully reviewed and revised, taking into consideration the specific deficiencies pointed out by the Examiner. Applicants respectfully submit that claims 2-8 are now definite and clear. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 112, second paragraph are respectfully requested.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1, 6, 9 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by GB 1 549 347. Claims 1, 4, 6, 7 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by JP 7-186623. Claims 1-4, 6, 7 and 10 stand rejected under 35 U.S.C. § 102(b) as anticipated by EP 0 602 989. Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Carolla et al., U.S. Patent No. 4,722,378. Claims 8, 11 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carolla et al. in view of Remick, U.S. Patent No. 5,127,455. Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carolla et al. in view of JP 3-32907, EP 0 367 557 or EP 0 591 125. Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Carolla et al. in view of JP 3-32907, EP 0 367 557 or EP 0 591 125 as applied above and further in view of EP 0 602 989. Claims 1, 6, 9 and 10 stand rejected under 35 U.S.C. § 102(b) as anticipated by Masaoka, U.S. Patent No. 5,690,761. Claims 2-5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Masaoka in view of EP 0 602 989. These rejections are respectfully traversed.

As the Examiner will note, independent claim 1 has been amended to include the subject matter of dependent claims 2 and 3 which have been canceled. In view of this, the Examiner's rejections which appear at paragraphs 5, 6, 8, 9, 10, 11 and 12 have been rendered moot since claims 2 and 3 have not been rejected in view of the references relied on in these paragraphs. Accordingly, only the Examiner's rejections, which appear at paragraphs 7 and 13, are relevant to amended independent claim 1 of the present invention.

Amended independent claim 1 is directed to a vehicle tyre having a profile tread wherein a combination of elements are recited including a tread block boundary surface wherein "the contour of the tread block boundary surface extending from a start of the lowering up to the base of the groove extends in section planes parallel to the central plane of the tyre in the form of an extended S-curve and the turning point of the S-curve is disposed in the lower third of the tread block height." Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the presently claimed invention.

In particular, with regard to the EP 0 602 989 reference, this reference discloses only that the turning point of the S-curve is disposed in the middle of the tread block height, but not in its lower third as required by amended independent claim 1 of the present invention. This is evident from Figs. 3, 4, 5 or 8 in the EP 0 602 989 reference when compared with, for example, Fig. 1 of the present application.

On the other hand, placing the turning point of the S-curve in the lower third leads to a higher stiffness and a lower absolute wear of the tyre. Therefore, a tyre with improved wear properties according to amended independent claim 1 of the present invention is neither disclosed nor suggested by the EP 0 602 989 reference.

Referring specifically to Fig. 4 of the EP 0 602 989 reference, the contour of the tread block boundary surface includes a curved upper edge and a curved lower edge and a straight portion therebetween. In view of this, Applicants submit that the turning point of this S-curve would be located at a middle point of the S, i.e., in the middle of the tread block height. In the presently claimed invention; however, the turning point of the S-curve is located in the lower

third of the tread block height. Since the EP 0 602 989 reference fails to disclose this aspect of the present invention, Applicants respectfully submit that this reference fails to anticipate independent claim 1 of the present invention.

With regard to paragraph 13 of the Examiner's Office Action, the Examiner relies on the combination of Masaoka and the EP 0 602 989 reference. Applicants respectfully submit that it would not be obvious to combine the teachings of the Masaoka reference and the EP 0 602 989 reference as proposed by the Examiner.

Specifically, Applicants respectfully submit that Masaoka does not disclose an extended S-curve extending from a start of the lowering up to the base of the grooves (see Fig. 8 and Fig. 14 of Masaoka). Masaoka only describes a curved lower region of the blocks up to a point A in Fig. 8 or Fig. 14 passing over abruptly in perpendicular side walls.

With regard to the EP 0 602 989 reference, Applicants respectfully submit that this reference fails to disclose an extended S-curve having a turning point disposed in the lower third of the tread block height for the reasons mentioned above with regard to this reference. Accordingly, The EP 0 602 989 reference fails to make up for the deficiencies of Masaoka and the combination of Masaoka and the EP 602 989 reference fails to render obvious the present invention.

With regard to dependent claims 4-15, Applicants respectfully submit that these claims are allowable due to their dependence upon allowable independent claim 1, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1 and 4-15 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

Docket No. 4674-0101P
Appl. No. 09/806,824

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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Attachment(s)